

Home Occupation

Type I & II

Handout #45 Revised 1/6/03



What is a Home Occupation and what is the difference between a Type I and II?

Home occupations are activities commonly carried on within a dwelling by a member or members of the family who occupy the dwelling. The home occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling shall be maintained.

Type I and II's are distinguished by the potential impacts they represent to the neighborhood. The major distinctions are summarized below:

TYPE I	TYPE II
Home occupation must be located only within the dwelling	Home occupation must be located within the dwelling, garage or accessory structure
A maximum of 25% of habitable floor of the dwelling may be used for the home occupation	A maximum of 25% habitable floor area of the dwelling, or up to 400/1000 (urban/rural) square feet of a garage or accessory structure may be used for the home occupation
May have 1 sign up to 2 square feet in size	May have 1 sign up to 2 square feet in size
May <u>not</u> use or store heavy vehicles or heavy equipment on the site, such as construction equipment used in a business.	May <u>not</u> use or store heavy vehicles or heavy equipment or involve warehousing.
Distribution prohibited except by mail or parcel service.	Distribution prohibited except by mail or parcel service.
Only incidental accessory retail sales allowed	Only incidental accessory retail sales are allowed.

What is the application process?

For a **Type I** Home Occupation, the application may be approved within 21 calendar days upon submittal of paperwork at the Customer Service Center or as authorized by Code. Submittal requirements are a Type I Home Occupation application form, Type 1 Home Occupation Agreement and Decision form, and payment of the review fee.

For a **Type II** Home Occupation, the first step is to complete a State Environmental Policy Act (SEPA) environmental checklist, if applicable. The Customer Service staff, located at the Public Service Center 1300 Franklin Street, Vancouver, Washington, will assist the applicant in determining if a SEPA checklist is required with the application. The SEPA Review Application Form and Environmental Checklist are also available at the Customer Service Center.

Once the SEPA checklist is completed, the checklist, along with the completed Type II Home Occupation Application Form, fees and a copy of the submittal requirements must be submitted to the Customer Service Center. A decision on the application will be made within 78 days from the date your application is deemed Fully Complete. Note: A pre-application conference is not required for a Type II Home Occupation request.

What is a SEPA Checklist and what is its purpose?

The State Environmental Policy Act (SEPA) requires that a review of the potential environmental impacts of the proposed developments be conducted. County staff and interested agencies will review the home occupation application to determine compliance with applicable Federal, State and County Code. A determination will then be made as to whether the impacts will be considered as: Non-significance (DNS), mitigated non-significance (MDNS), or significance (DS). For a DNS or MDNS determination, an analysis will be incorporated within the Staff Report & Decision referenced below. If a DS determination is made, the applicant is required to prepare an Environmental Impact Statement (EIS) prior to the County considering the proposed subdivision. The SEPA determination is then published in "The Columbian" Newspaper.

What if I didn't submit all of the required information?

The **Type I** Home Occupation applications will be checked upon submittal to ensure the application is complete. All incomplete submittal packages will be returned to the applicant.

For **Type II** Home Occupation applications, the County conducts two application checks to ensure that applications are complete before staff begins their development review process. Prior to accepting your application, the Customer Service staff will conduct a "**Counter Complete**" review of your submittal packages. This initial review ensures that **all items with a bold underlined space** listed within the Type II Home Occupation review submittal requirements have been submitted before accepting your application (see attached submittal list). These include:

1. Application Form
2. Application Fee
3. Legal Description
4. Site Plan
5. Written narrative
6. Submittal Copies

Once your application is accepted, the original submittal package is routed to our review staff. Staff conducts a second completeness check, known as the "**Fully Complete**" review. This more detailed review ensures that **all items with a box to the left** listed under the numbered headings of the attached submittal requirements have been submitted. As an example, does the "Written Narrative" include a description of the business, hours of operation, number of employees, etc.

If required items are missing from your original submittal, you will receive a letter of "**Not Fully Complete**," with a list of the missing items. If you have not submitted the requested information within 30 days of this written request, staff will return your application and refund the application fee, less the processing costs incurred to date.

If **all** of the submittal requirements have been met, you will receive a "Fully Complete" determination letter and the technical review will begin.

What kind of public notice is provided?

There is **no** notice for a **Type I** Home Occupation.

For a **Type II** Home Occupation, a notice describing the proposal will be mailed to property owners within a 300' radius (if within an urban growth boundary), and a 500' radius (if outside an urban growth boundary) of the project site and to the applicant. This notice is mailed within 14 calendar days from the "Fully Complete" date.

The notice will invite written comments to be submitted within 14 calendar days of the date of the notice. Copies of any written comments received in a timely manner will be sent to the applicant. The applicant may submit a written response to the comments received within 14 days from the date the comments are mailed.

Who makes the decision and when will it be made?

Staff's role is to review the proposal against the requirements of the Clark County Code (CCC) and approve, approve with conditions or deny the application. This written decision will be mailed to the applicant within 78 calendar days of the "Fully Complete" determination.

Can the decision be appealed?

The Planning Director's decision may be appealed to the County Hearings Examiner by the applicant or any person or group. An appellant must submit an appeal application and **\$1009** fee within 14 calendar days after the written notice of the decision is mailed.

What are the Home Occupation Application fees?

The following fees apply to home occupation applications.

Type I

Application:	\$79
Application after code violation:	\$79
Transportation review	\$52

The following Type II home occupation application fee does not include the pre-application conference fee of \$670.

Type II

Application:	\$2,605
Application after code violation:	\$5,106
SEPA (if applicable):	\$342
Transportation Review	\$148
Fire Marshal Review (if applicable)*:	\$0

*Note: If your home occupation is a non-office type of work (e.g., wood working or other types of manufacturing), approval from the Fire Marshal will be required.

<p>Note: Approval of this application does not constitute approval of modification to existing driveways or construction of a new driveway. Construction of a new driveway or modification to an existing driveway requires a "Driveway Approach Permit," which is issued at the Customer Service Center.</p>
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<p>Note: This handout is not a substitute for county code. For more detailed information, please refer to Clark County Code 18.406.020(I) Home Occupations</p>

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

TYPE I HOME OCCUPATION AGREEMENT AND DECISION

Case Number:

Applicant Name:

Home Occupation Address:

Description of Home Occupation: _____

The following is a list of the required conditions for operating a Type I Home Occupation. Please read and initial each item, and sign the certification agreeing to comply with these conditions.

- ☐ This Home Occupation permit applies only to the applicant(s) and to the property occupied by the applicant at the time the permit is issued. No employees are permitted.
- ☐ This Home Occupation shall be operated entirely within the applicant's dwelling by the resident of the dwelling exclusively, and not within an attached or detached garage or accessory building.
- ☐ This Home Occupation shall not use more than twenty-five percent (25%) of the habitable floor area (including the basement, but not an attached or detached garage).
- ☐ Applicant agrees to limit external evidence of the Home Occupation to one non-lighted sign of no more than 2 square feet in area, no more than 6 ft above the ground (CCC 18.409.050(A)(1)).
- ☐ This Home Occupation shall not involve the use or storage of tractor-trailers, semi-trucks, or heavy equipment (i.e. construction equipment used in a business), except in the rural area. In such rural areas, outside of the designated Urban Growth Area, a single such vehicle and/or tractor/trailer parked off-street for use solely by residents of the home is permitted.
- ☐ This Home Occupation shall not involve retail sales on the premises, except incidental to the home occupation (i.e., selling shampoo from a low-intensity in-home hairdresser).
- ☐ Adequate on-site parking shall be provided to accommodate the number of customers allowed on the site at any one time. Such occupation shall involve fewer than six (6) customers daily entering the premises or six (6) vehicle trip ends, including deliveries.
- ☐ This Home occupation shall produce no noise or obnoxious odors, vibrations, glare or fumes detectable to normal sensory perception at the property line, or cause electrical interference on electronic equipment.
- ☐ Approval of this application does not constitute approval of modification to existing driveways or construction of a new driveway. Construction of a new driveway or modification to an existing driveway shall require a Driveway Approach Permit.

I have read and understand the above conditions for a Type I Home Occupation, and agree to abide by these conditions. I understand that I must continually meet these standards in order to maintain a valid permit, and that this permit shall be automatically void if I change residences.

Applicant Signature _____ Date _____
(Letter of authorization required if other than property owner)

DECISION

Based on the information submitted in the application packet, the above certification, and other information in County records, County staff has reviewed this request against the applicable standards and criteria in Clark County Code Section 18.406.020.I, summarized above, and have determined that permit application is:

DENIED

Reason: _____

APPROVED, subject to the standard conditions identified above and additional conditions listed below:

1. _____
2. _____
3. _____

STAFF: _____ **DATE:** _____

DEVELOPMENT REVIEW TYPE II HOME OCCUPATION REVIEW SUBMITTAL REQUIREMENTS

The following checklist identifies information to be included with the Application. All items with a bold underlined space (i.e.,) must be submitted before the application will be considered "**Counter Complete.**" All items with a box to the left must be submitted before the application will be determined "**Fully Complete.**" All bulleted items must be submitted, as applicable, but are not a "Fully Complete" requirement.

At the time of application, only **one copy of the main submittal**, with original signatures, **shall be submitted and bound by a jumbo clip or rubber band.** One copy of any **special studies** (e.g., wetland, floodplain, etc) **shall also be submitted but bound separately.**

1. **APPLICATION FORM** - The application form shall be completed and original signed in ink by the applicant.
2. **APPLICATION FEE** - The applicable fee for a Home Occupation review shall accompany the application. The check is to be made payable to "Clark County Community Development".
3. **LEGAL DESCRIPTION** - A full and complete LEGAL DESCRIPTION of the property MUST BE SUBMITTED (*available from a Title Company, or Surveyor*).
4. **SITE PLAN** - A Site Plan, drawn to scale, must be submitted that identifies the following:
 - ☐ Perimeter dimensions of the property;
 - ☐ Location(s) and dimension(s) of all structures;
 - ☐ Total square footage of each floor of the dwelling and square footage to be used for the home occupation;
 - ☐ Scale and north arrow; and,
 - ☐ Location, dimensions and content of proposed signs.
5. **WRITTEN NARRATIVE** - A written narrative describing the nature of the proposed home occupation must be submitted. The narrative must be detailed enough to answer the following questions:
 - ☐ What type of business is it?
 - ☐ What are the days and hours of operation?
 - ☐ Will there be customers or clients coming to the residence? If so, how many and how often?
 - ☐ Will there be deliveries made to or from the home?
 - ☐ Will there be any off-street parking? Where?

- ☐ What type of equipment, if any, will be used? Where will it be stored?
- ☐ What type of supplies will be needed? Where will supplies be stored and in what quantities?
- ☐ How will the business be conducted so as to minimize negative impacts on neighboring properties?
- ☐ Will there be any employees? If so, how many?

6. **SUBMITTAL COPIES** - One (1) submittal package with original signatures and four (4) copies, all bound separately, shall be submitted.

TYPE II HOME OCCUPATION AGREEMENT AND DECISION

Case Number:

Applicant Name:

Home Occupation Address:

Description of Home Occupation: _____

The following is a list of the required conditions for operating a Type II Home Occupation. Please read and initial each item, then sign the certification agreeing to comply with these conditions.

☐

Must be operated entirely within the applicant's dwelling or permitted accessory structure by the resident(s) of the dwelling exclusively.

☐

Within Urban Area: No more than twenty-five (25) percent of the habitable floor area (may include the basement, but not an attached or detached garage), or shall use no more than four-hundred (400) square feet of allowed accessory structure or garage).

☐

Outside the Urban Area: No more than twenty-five (25) percent of the habitable floor area (may include the basement, but not the garage); or where an accessory building is used, other than storage of farm equipment or farm vehicles, the home occupation shall be limited to one-thousand (1000) square feet.

☐

Require no remodeling of the exterior of the dwelling or the accessory structure that changes the residential character. (*Examples of inappropriate exterior remodeling include enlarging a garage or garage door to accommodate equipment related to an occupation; or, constructing a structure larger than the dwelling and garage to accommodate the occupation or storage of material and equipment related to it*);

☐

Must not involve the outside use or storage of heavy vehicles or heavy equipment or involve warehousing or distribution, except in the rural area where a single vehicle and/or tractor/trailer parked off-street and used solely by the resident of the home is permitted.

☐

Involve no retail sales on the premises, except as incidental to the home occupation (*Example would be selling shampoo from a low intensity in-home hair dresser*);

☐

Applicant agrees to limit external evidence of the Home Occupation to one non-lighted sign of no more than 2 square feet in area, no more than 6 ft above the ground (CCC 18.409.050(A)(1), including obtaining a sign permit pursuant to Section 18.409.025 and the requirements of Section 18.409.050(A)(1);

☐

Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception at the property line;

☐

Involve fewer than twelve (12) customers daily entering the premises;

☐

Employ no more than one (1) person in addition to those who are permanent residents of the dwelling;

☐

Provide a plan for any additional on-site parking needed to accommodate the use. Any additional parking needed to accommodate the use shall be screened from adjacent property by a minimum 5-foot tall solid fence or hedge. The hedge shall be installed immediately and provide a 6 foot solid screen within one year of approval.

I have read and understand the above conditions for a Type I Home Occupation, and agree to abide by these conditions. I understand that I must continually meet these standards in order to maintain a valid permit, and that this permit shall be automatically void if I change residences.

Applicant Signature _____ Date _____

(Letter of authorization required if other than property owner)

DECISION

Based on the information submitted in the application packet, the above certification, and other information in County records, County staff has reviewed this request against the applicable standards and criteria in Clark County Code Section 18.406.020.I, summarized above, and have determined that permit application is:

DENIED

Reasons: _____

APPROVED, subject to the standard conditions identified above and additional conditions listed below:

1. _____
2. _____
3. _____

STAFF: _____

TEAM LEADER INITIAL: _____

DATE: _____

DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1400-Revised 2/19/02)



PROJECT NAME:		
TYPE(S) OF APPLICATION (See Reverse Side):		
DESCRIPTION OF PROPOSAL:		
APPLICANT NAME:	Address:	
E-mail Address:	Phone and Fax:	
PROPERTY OWNER NAME (list multiple owners on a separate sheet):	Address:	
E-mail Address:	Phone and Fax:	
CONTACT PERSON NAME (list if not same as APPLICANT):	Address:	
E-mail Address:	Phone and Fax:	
PROJECT SITE INFORMATION: Site Address:		Comp Plan Designation:
Cross Street:	Zoning:	Serial #'s of Parcels:
Overlay Zones:	Legal:	Acreage of Original Parcels:
Township:	Range:	¼ of Section:

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature

Date

Assigned at Customer Service Center	CASE NUMBER:	
	WORK ORDER NUMBER:	

APPLICATION TYPES

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

Environmental/Critical Areas:

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

Land Division:

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat
- ☐ Subdivision

Miscellaneous:

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Occupation
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Reconstruct Letter
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

Planning Director Review:

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change